

03 Enfield  
point (8, 8') being provided at one of a central area of the cutting assembly [or] and [at] the [end] opposite end [to the end connected to the motor (5)].

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Please **cancel** claims 3 - 7.

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8. (Amended) [A] The device according to claim 1, wherein the cutting assembly comprises [two blades parallel to each other at a distance corresponding to the total size of the mark (M) in to the substrate feed direction] first and second parallel spaced apart blades (14a, b), whereby [the mark] one of the boundary marks (M) is completely removed by cutting adjacent a first line of the preset sequence with the first blade and adjacent a last line of the preset sequence with the second blade.

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#### **In the Drawings:**

Applicant has proposed amending the drawings as shown in the proposed drawing amendment which is being filed herewith.

#### **REMARKS**

Claims 1, 2 and 8 are currently pending in the application, as amended. Claims 3-7 have been canceled for being directed to a non-elected invention. Claims 1, 2 and 8 have been amended to overcome a rejection under 35 U.S.C. §112, second paragraph for indefiniteness. Additionally, Applicant has proposed amending the drawings to show features disclosed in the specification and recited in the claims as originally filed and has amended the specification to properly reference the features in the proposed drawings. No new matter has been added.

#### **Drawings**

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) because it is contended that the drawings do not show every feature of the invention specified in the claims. Specifically, the Examiner has asked that the microprocessor as set forth in claim 1, line 8, the pivoting point being provided at the end opposite to the end connected to the motor as set forth in claim 2, line 5 and the two blades as set forth in claim 8, line 2 be shown in the drawings, or the

feature canceled from the claims. Filed concurrently herewith is a Submission of Proposed Drawing Amendment for Approval by Examiner (35 C.F.R. §1.123) in which it is proposed that Fig. 1 be amended to include a microprocessor 12 in communication with second and third motors 9, 5 and optical sensors 4, 4'. Additionally, it is proposed that Fig. 1 be amended to show that the cutting assembly 7 has two blades 14a and 14b and to show in phantom the pivot point 8' at the opposite end of the cutting assembly 7. Fig. 1 has been marked in red to show the additions. Applicant respectfully submits that the amendments to Fig. 1 do not introduce new matter as the specification as originally filed discloses the microprocessor in communication with the optical sensors and the second and third motors (see page 3, line 36, page 4, lines 1, 4, 22). The specification as filed also discloses the pivoting of the cutting assembly at the opposite end (see page 4, lines 27-29) and the alignment of the marking lines M with the blade of the cutting assembly (see page 4, lines 34-35) and that the cut is performed on the first and last line of the bar code (see page 5, lines 24-29) by a double cut parallel to the length of the mark (see page 2, lines 23-25).

Applicant requests that the proposed drawing change be approved. Upon approval of the proposed drawing change and allowance of the application, Applicant will file formal drawings incorporating the proposed change in accordance with United States Patent and Trademark Office procedures.

#### **Claim Rejections – 35 U.S.C. §112**

The Examiner has rejected 1, 2 and 8 under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner contends that structural cooperation among elements of the claims is lacking and the recitation of certain features is vague. The Examiner has cited specific instances of the alleged indefiniteness. Applicant addresses these instances *in seriatim* below and respectfully submits that in view of the foregoing amendment, claims 1, 2 and 8 are in full compliance with 35 U.S.C. §112, second paragraph.

Regarding claim 1, the Examiner contends that in line 4, structural cooperation is not positively set forth for “a first motor”, particularly with respect to the rollers. The Examiner suggests that “for” be deleted and that “therefore” be changed to --the rollers--. In accordance with the Examiner’s suggestion, Applicant has amended the subject limitations to recite “at least a pair of rollers (2) feeding the substrate, a first motor (3) driving the pair of rollers”. The

Examiner contends that in lines 4-5, structural cooperation is lacking for “a cutting assembly”. Applicant has amended the subject limitation to recite “a cutting assembly (7) spaced apart from the pair of rollers”.

In claim 1, line 5, the Examiner contends that structural cooperation is lacking for “a second motor”, particularly with respect to the cutting assembly. Applicant has amended the subject limitation to recite “a second motor (9) driving the cutting assembly to cut” to more particularly point out and claim that the second motor is the device that drives the cutting assembly. The Examiner additionally contends that in line 5, structural cooperation is lacking for “a third motor” and that in line 6, the recitation “for bringing ...” is vague and indefinite since sufficient structure has not been set forth to perform the recited function. Applicant has amended claim 1 to recite “a third motor (5) pivoting one of the cutting assembly and the pair of rollers from time to time to align said cutting assembly (7) and one of said boundary marks (M)” to more particularly point out and claim that the third motor adjusts the angle between the cutting assembly and the pair of rollers to properly align the cutting assembly with respect to the boundary marks.

In claim 1, line 7, the Examiner contends that structural cooperation is lacking for “a reading system” and that the recitation “suitable to detect” is vague and indefinite as to the function of the reading system. The Examiner has suggested that “suitable” be deleted. In response to the Examiner’s suggestion, Applicant has amended the subject recitations to state “a reading system having first and second spaced apart optical sensors (4, 4') that detect one of the boundary marks (M) between the images” to more particularly point out and claim that the optical sensors are part of the reading system and that the function of the reading system is to detect boundary marks between the images.

In claim 1, line 8, the Examiner contends that structural cooperation is lacking for “a microprocessor”. Applicant has amended the recitation regarding the microprocessor to recite “a microprocessor (12) in communication with the said reading system and the second motor (9) and a third motor (5), the microprocessor (12) processing a signal from the reading system and controlling the second and third motors (9, 5)” to more particularly point out and claim that in response to signals from the optical sensors, the microprocessor directs the third motor (5) to properly align the cutting assembly with the boundary marks and also directs the second motor (9) to cut the substrate upon detection of properly aligned and positioned boundary marks.

In claim 1, line 14, the Examiner contends that the phrase “smaller than the width of the substrate” is vague and indefinite since the invention is being defined in terms of the substrate which is not part of the claimed invention. Applicant has deleted the subject language and has amended claim 1 to recite as a limitation that the first and second optical sensors are spaced apart and that both the first and second optical sensors detect the boundary mark to more particularly point out and claim that the differential reading of the boundary mark by the two optical cells provides the information required to properly align the cutting assembly with the boundary mark.

Regarding claim 2, the Examiner contends that in line 5, the recitation “or at the end opposite to the end connected to the motor” renders the claim vague and indefinite, particularly as to the location of the pivoting point since the recited locations are not considered equivalent. Applicant has amended claim 12 to recite the “pivoting point (8, 8') being provided at one of a central area of the cutting assembly and the opposite end” to more particularly point out and claim that the point about which the cutting assembly pivots is positioned at one of two locations, namely a central area of the cutting assembly or an end of the cutting assembly opposite the end to which the third motor (5) is connected.

Regarding claim 8, the Examiner contends that in lines 2-3, the recitation “at a distance corresponding to the total size of the mark in the substrate” is vague and indefinite since the invention is being defined in terms of the substrate which is not part of the claimed invention. Applicant has amended claim 8 to recite “first and second parallel spaced apart blades (14a,b), whereby one of the boundary marks (M) is completely removed by cutting adjacent a first line of the preset sequence with the first blade and adjacent a last line of the preset sequence with the second blade” to more particularly point out and claim that the first and second blades are spaced apart a distance sufficient to span the width of the boundary mark.

Applicant respectfully submits that claims 1, 2 and 8 as amended are in full compliance with 35 U.S.C. §112, second paragraph. Accordingly, Applicant requests that the rejection of claims 1, 2 and 8 be withdrawn.

### **CONCLUSION**

In view of the foregoing amendment and remarks, as well as the proposed drawing amendment, Applicant respectfully submits that the present application, including claims 1, 2 and 8, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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(Date)

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